

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

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GROUP PATENTS DEPT

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WRITTEN OPINION
(PCT Rule 66) KH
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April

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International application No.

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10.04.2003

Priority date (day/month/year)

12.04.2002

International Patent Classification (IPC) or both national classification and IPC

B65D5/52

Applicant

RECKITT BENCKISER N.V.

1. This written opinion is the **first** drawn up by this International Preliminary Examining Authority.

2. This opinion contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

3. The applicant is hereby **invited to reply** to this opinion.

When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also: For an additional opportunity to submit amendments, see Rule 66.4.
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis.
For an informal communication with the examiner, see Rule 66.6.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.

4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 12.08.2004

Name and mailing address of the international preliminary examining authority:



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I. Basis of the opinion

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed"*):

Description, Pages

1-7 as originally filed

Claims, Numbers

1-14 as originally filed

Drawings, Sheets

1/2-2/2 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

5. ☐ This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

6. Additional observations, if necessary:

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims	1,5,9
Inventive step (IS)	Claims	4,6-8,10,12-14
Industrial applicability (IA)	Claims	

2. Citations and explanations**see separate sheet**

Re Item V

Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Reference is made to the following documents:

- D1: US-A-3 756 385 (STEINBOCK F) 4 September 1973 (1973-09-04)
- D2: FR-A-2 636 924 (PAPETERIES DESBORDES) 30 March 1990 (1990-03-30)
- D3: US-A-5 718 337 (CARR DANIEL G ET AL) 17 February 1998 (1998-02-17)
- D4: US-A-3 073 440 (FLOYD JONES SAMUEL) 15 January 1963 (1963-01-15)

1)

The document D1 is regarded as being the closest prior art to the subject-matter of independent claim 1, and discloses (the references in parentheses applying to this document):

packing and displaying box (12) for receiving a multitude of primary packages (14), comprising a bottom surface (16), a front wall (22), a rear wall (22) and two side walls (24), wherein the side walls have flaps (28) in the area of their upper edges, the flaps projecting inwardly and being aligned in a position departing substantially from the vertically.

Independent claim 9, which refers to a combination of more than one primary package (14) and a packing and displaying box (12) as described above, is also disclosed in D1.

In addition to document D1, also document D2 discloses the subject-matter of claim 1 and claim 9.

It seems therefore that claims 1 and 9 cannot be considered as novel (Article 33(2) PCT).

2)

Document D1, which is considered to represent the most relevant state of the art, discloses a blank for making a packing and displaying box from which the subject-matter of independent claim 12 differs in that the side walls comprise extensions for engaging into grooves, punched in the bottom surface.

The problem to be solved by the present invention may therefore be regarded as providing a single piece blank.

The solution proposed in claim 12 of the present application cannot be considered as involving an inventive step (Article 33(3) PCT) for the following reasons:

Providing the side walls with extensions for engaging into grooves punched in the bottom surface, is described in document D3 as providing the same advantages as in the present application. The skilled person would therefore regard it as a normal option to include this feature in the blank described in document D1 in order to solve the problem posed.

3)

Dependent claim 5 does not contain any features which, in combination with the features of any claim to which it refers, meet the requirements of the PCT in respect of novelty (Article 33(2) PCT). All features are disclosed in either D1 and D2.

4)

Dependent claims 4, 6-8, 10, 13 and 14 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step (Article 33(3) PCT), the reasons being as follows:

The features of claims 4, 6-8, 10 and 13 have already been employed for the same purpose in a similar box, see document D3 for claims 6-8 and 13, see document D4 for claims 4 and 10.

Providing small incisions into the folds and double folds of the blank to which claim 14 refers, is merely one of several straightforward possibilities from which the skilled person would select, in accordance with circumstances, without the exercise of inventive skill, in order to create a folding pattern.

It would therefore be obvious to the person skilled in the art, to apply these features with corresponding effect to a box according to document D1 or D2, thereby arriving at a box according to claims 4, 6-8, 10, 13 and 14.